

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW PETROZZIELLO, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

FYRE MEDIA, INC, a corporation;
FYRE FESTIVAL LLC, a limited liability
company;
JEFFREY ATKINS, individually and as co-
founder of Fyre Media, Inc.; and
BILLY MCFARLAND, individually and as
co-founder of Fyre Media, Inc.

Defendants.

Case No.: 18-cv-00146-PKC

**STIPULATED DISMISSAL OF ACTION
WITH PREJUDICE**

[F.R.Civ.P. 41(a)(1)(A)(ii)]

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Andrew Petrozziello, ("Plaintiff") and Defendant Jeffrey Atkins ("Atkins"), as follows:

1. WHEREAS, on May 2, 2017, Plaintiff filed this action ("Plaintiff's Complaint") on behalf of himself and all other persons similarly situated against Defendants Billy McFarland, Jeffrey Atkins, and Fyre Media, Inc. (jointly "Defendants"); and

2. WHEREAS, in September 11, 2017, Atkins filed an Answer to Plaintiffs' Complaint; and

3. WHEREAS, no other Defendant has made an appearance in this Action; and

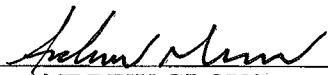
4. WHEREAS, no class has been certified;


5. IT IS HEREBY STIPULATED by and between the Plaintiff and Atkins through their undersigned counsel that Plaintiffs' Complaint and all claims for relief alleged therein in Plaintiffs' individual capacity and not on behalf of any class they are alleged to represent, shall

be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1). Plaintiff and Atkins shall each bear their own costs and fees. Pursuant to rule 41(a)(1)(B), this stipulated dismissal will be effective immediately upon filing without the need for a Court order.

WILENTZ, GOLDMAN & SPITZER
Attorneys for Plaintiff

SMITH LAW
Attorneys for Defendant, Jeffrey Atkins

By: 
ANDREW GROUS
110 William St,
26th Floor
New York, NY 10038
Telephone: (646)-746-8907

By: 
RYAN H. SMITH (*Pro Hac Vice*)
3737 Glenwood Ave.
Suite 100
Raleigh, NC 27612
Telephone: (919) 809-3807